

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK- - - - -
GERALD BROWN,

Plaintiff,

- against -

ROBERT B. ANESI and POLICE OFFICER :
GREGG PINGATORE, # 05094, :

Defendants. :

- - - - -
TO THE HONORABLE GEORGE B. DANIELS, U.S.D.J.:

: 12 Civ. 3200 (GBD) (JCF)

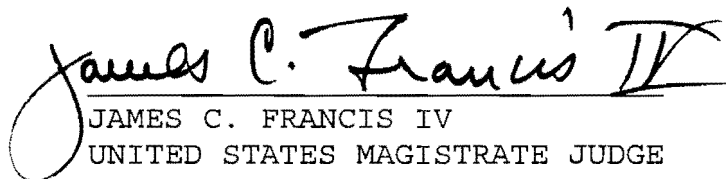
: REPORT AND
: RECOMMENDATION

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/13/13

The complaint in this action was filed on April 6, 2012, and an order of service was issued on April 3, 2013. However, service on the defendants was never effected. By letter dated August 27, 2013, I advised the plaintiff to submit within two weeks a letter setting forth any reasons why the action should not be dismissed. The plaintiff never responded. I therefore recommend that the complaint be dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable George B. Daniels, Room 1310, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007.

Failure to file timely objections will preclude appellate review.

Respectfully submitted,


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
September 13, 2013

Copies mailed this date:

Gerald Brown
349-10-13267
1600 Hazen Street
East Elmhurst, NY 11370